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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS,  
SAN ANTONIO DIVISION

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Richard Brewer, et al.,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 5:17-CV-00837-DAE
	§	
Ron Nirenberg, et al.,	§	
<i>Defendants.</i>	§	

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PLAINTIFFS' MOTION TO COMPEL ENTRY ON LAND AND  
INSPECTION OF MONUMENT, CANNON, AND TIME CAPSULE

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1. Plaintiffs ask the Court to compel plaintiffs' entry on land and inspection of the Monument, cannon, and time capsule.
2. The procedural history for this motion is that:
  - a. On June 4, 2018, the Court granted plaintiffs' motion to compel inspection of the Monument, cannon, and time capsule. (ECF No. 41). The Court ordered that the inspection must occur within thirty days of submission of plaintiffs' amended complaint. *Id.* at 3-5.
  - b. Plaintiffs filed their amended complaint on June 22, 2018. (ECF No. 44).
  - c. Plaintiffs have sent proposed dates of inspection of July 9 or 10, 2018. Exhibit A. Plaintiffs sent proposed dates on June 27, 28,

and 29, 2018. *Id.* Defendants' counsel replied on Friday, June 29, 2018, that counsel was awaiting confirmation for inspection on July 10, 2018. *Id.* Plaintiffs have not heard back from defendants' counsel in the three days since the last e-mail.

- d. Time is of the essence in scheduling and completing this inspection. The fine-art inspector must make travel arrangement from either New York or Houston, arrange for ground transportation and for lodging.
- e. Defendants have already improperly denied plaintiffs access to the Monument, et al., necessitating plaintiffs' motion to compel inspection, (ECF No. 30; April 16, 2018), and the Court's order to compel inspection. (ECF No. 41; June 4, 2018).
- f. The Court should order inspection for Tuesday, July 10, 2018, at 10 a.m., in order to stop defendants' chubbing plaintiffs from entering and inspecting.

3. For these reasons, plaintiffs ask that the Court ORDER inspection for Tuesday, July 10, 2018, at 10 a.m. and GRANT any other relief the Court deems appropriate.

Respectfully submitted this 2d day of July 2018.

s/ David D. Vandenberg  
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### **CERTIFICATE OF SERVICE**

I certify that on July 2, 2018, a copy of Plaintiffs' Motion to Compel Entry on Land and Inspection of Monument, Cannon, and Time Capsule was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on the following attorney in charge for defendants, Ron Nirenberg, et al.

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s/ David D. Vandenberg

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### **CERTIFICATE OF CONFERENCE**

On July 1, 2018, I attempted to confer with Deborah Klein, attorney for defendants on this motion, but she has not responded to my request to confer.

s/ David D. Vandenberg

Attorney for Plaintiffs